

ENTERED

February 12, 2024

Nathan Ochsner, Clerk

Exhibit-C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONROBERT THOMAS, *et al*,

§

Plaintiffs,

§

VS.

§

CIVIL ACTION NO. 4:22-CV-705

PCF PROPERTIES IN TEXAS, LLC, *et al*,

§

Defendants.

§

§

ORDER

Before the Court are Defendant PCF Properties in Texas, LLC’s (“PCF”) Motion for Sanctions (Doc. #77) and Third-Party Defendant James Andersen’s (“Andersen”) Response¹ (Doc. #78). In its Motion, PCF alleges that Plaintiffs Robert L. Thomas, Allan Haye, and James Allen, Defendant Elizabeth Thomas, and Andersen (collectively, the “Thomas Parties”) and the parties’ respective counsel should be sanctioned for willfully and intentionally violating the Court’s February 16, 2023 Order (Doc. #75). Doc. #77. In the February 16 Order granting PCF and Third-Party Defendant JP Morgan Chase Bank N.A.’s Second Motion to Remand, the Court stated that the “Aligned Litigants” (Elizabeth Thomas, James Allen, Robert L. Thomas, and Allan Haye) must “receive advanced written notice from the Chief Judge of the Southern District of Texas before filing notices of removal to include any and all removals from any Harris County District Court.” Doc. #75 at 4. The Court also warned that “continued frivolous notices of removal, complaints, and motions by the *Aligned Litigants* will result in the imposition of monetary sanctions and/or an order of contempt from this Court.” *Id.* (emphasis added).

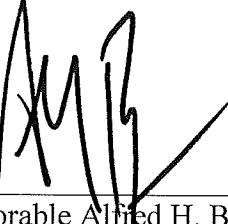
¹ The Court notes for the sake of clarity that Third-Party Defendant James Andersen’s Response is titled as “Letter to Judge Bennett.” Doc. #78. It is clear from the content of the letter that it was filed in response to the Motion for Sanctions, thus the Court will treat the letter as a response.

PCF contends that the Thomas Parties violated the Court's Order by attempting to remove a case in the 80th District Court of Harris County to the United States Bankruptcy Court of Delaware. Doc. #77, Ex. 10. The Notice of Removal to the Delaware Bankruptcy Court was filed by Andersen, a third-party defendant who is also an attorney and is representing himself in this matter. Notably, in the Court's Order, the Aligned Litigants were barred from filing any notices of removal without written permission from the Chief Judge of the Southern District of Texas. *See* Doc. #75 at 4. But Andersen was not included as one of the Aligned Litigants. *Id.* Thus, the Court's Order did not apply to him.

Accordingly, PCF's Motion for Sanctions (Doc. #77) is hereby DENIED.

It is so ORDERED.

FEB 08 2024
Date



The Honorable Alfred H. Bennett
United States District Judge